

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1885
99TH GENERAL ASSEMBLY

5094H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 208, RSMo, by adding thereto one new section relating to structured family caregiving for MO HealthNet home- and community-based care.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 208, RSMo, is amended by adding thereto one new section, to be
2 known as section 208.896, to read as follows:

**208.896. 1. To ensure the availability of comprehensive and cost-effective choices
2 for MO HealthNet participants to live at home in the communities of their choice and to
3 receive support from caregivers of their choice, the department of social services shall
4 apply to the United States Secretary of Health and Human Services for a structured family
5 caregiver waiver. Federal approval of the waiver is necessary to implement the provisions
6 of this section. Structured family caregiving shall be considered an agency-directed model
7 and no financial management services shall be required.**

8 **2. The structured family caregiver waiver shall include:**

9 **(1) A choice for participants of qualified and credentialed caregivers, including
10 family caregivers;**

11 **(2) A choice for participants of community settings in which they receive structured
12 family caregiving. A caregiver may provide structured family caregiving services in the
13 caregiver's home or the participant's home, but the caregiver must reside full time in the
14 same home as the participant;**

15 **(3) A requirement that caregivers under this section are added to the family care
16 safety registry and comply with the provisions of sections 210.900 to 210.936;**

17 **(4) A requirement that all caregivers and organizations serving as structured family
18 caregiving agencies are subject to the provisions of section 660.023;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 19 **(5) A cap of three hundred participants to receive structured family caregiving;**
20 **(6) A requirement that all organizations serving as structured family caregiving**
21 **agencies are considered in-home service provider agencies and are accountable for**
22 **documentation of services delivered, meeting the requirements set forth for these provider**
23 **agencies, qualification and requalification of caregivers and homes, caregiver training,**
24 **providing a case manager or registered nurse to create a service plan tailored to each**
25 **recipient's needs, professional staff support for eligible people, ongoing monitoring and**
26 **support through monthly home visits, deployment of electronic daily notes, and remote**
27 **consultation with families;**
28 **(7) Caregivers are accountable for providing for the care recipient's personal care**
29 **needs. This includes, but is not limited to, laundry, housekeeping, shopping, transportation,**
30 **and activities of daily living assistance;**
31 **(8) A daily payment rate for services that is adequate to pay stipends to caregivers**
32 **and pay provider agencies for the cost of providing professional staff support as required**
33 **under this section and administrative functions required of in-home services provider**
34 **agencies. The payment to the provider agency is not to exceed thirty-five percent of the**
35 **daily reimbursement rate; and**
36 **(9) Daily payment rates for structured family caregiving services shall be**
37 **tier-based, on medical necessity criteria determined by the department. The maximum**
38 **daily payment rate for structured family caregiving services shall not exceed seventy-five**
39 **percent of the daily nursing home cost cap established by the state each year.**
40 **3. (1) Within ninety days of the effective date of this section, the department of**
41 **social services shall, if necessary to implement the provisions of this section, apply to the**
42 **United States Secretary of Health and Human Services for a structured family caregiver**
43 **waiver. The department of social services shall request an effective date of not later than**
44 **July 1, 2019, and shall, by such date, take all administrative actions necessary to ensure**
45 **timely and equitable availability of structured family caregiving services for home- and**
46 **community-based care participants.**
47 **(2) Upon receipt of an approved waiver under subdivision (1) of this subsection, the**
48 **department of health and senior services shall promulgate rules to implement the**
49 **provisions of this section. Any rule or portion of a rule, as that term is defined in section**
50 **536.010, that is created under the authority delegated in this section shall become effective**
51 **only if it complies with and is subject to all of the provisions of chapter 536 and, if**
52 **applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of**
53 **the powers vested with the general assembly pursuant to chapter 536 to review, to delay**
54 **the effective date, or to disapprove and annul a rule are subsequently held**

55 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
56 **after August 28, 2018, shall be invalid and void.**

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